

REMARKS

Specification

The examiner objected that the title was not descriptive. The title has been amended.

Rejections

Claims 1-9,11-23, 25-28, 30-31, 33 and 89 have been rejected as anticipated by *Tang*.

Claim 1 has been amended to recite receiving a request to converse using “*a selected first one* of two or more selectable communication modes” (emphasis added), and to specify that the action performed according to the rule be done using “*a second one* of the two or more modes, the selection of that mode being determined by a rule created by the second person (i.e., the “targeted user”). As described in the specification, in some examples, after choosing a person to converse with, the “user 12 can choose a mode of communication … user 12 can click on button 128 for voice conversation mode … or click on button 132 for graphic text-based conversation” (p. 14, lines 16-19). Once a first user has made such a selection, for example, selecting a voice call, rules for using the other communication mode may “specify actions such as send the voice call to voice mail, disconnect the voice call, or forward the voice call to some other user” (p. 11, line 29 – p. 12, line 2).

Tang fails to describe or render obvious a system that automatically uses a second mode, when the originating user selected a first mode, based on a rule set by the targeted user. In the cited portions of *Tang*, only there is no mention whatsoever of performing an action based on a rule set by the targeted person, let alone connecting by a mode other than the mode the first user selected. The activity indicators, each of which the examiner regards as a “rule” are only indicators of *activity*. In fact, even *Tang* refers to these indicators as “signs.” For example, in referring to these indicators, *Tang* states that “such a ‘sign’ does not prevent a worker from interacting with this worker, but rather, provides an important social cue as to the appropriateness of such contact. The current worker is still able to engage one or more of the communication mechanisms to interact with such worker” (col. 6, lines 54-59). This does not

describe a *rule* that causes the system to take action. Instead, it describes the existence of a condition that may or may not be used during execution of a rule.

Claims 18, 33, and 89 have been amended and are patentable for at least the same reasons as claim 1. All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

In addition, with regard to claim 2, the examiner suggests that *Tang* discloses “rules which can range from attentive, idle, engaged, do not disturb, and absent states.”

The examiner’s own choice of words indicates that these states described in *Tang* are *states*, not *rules*. In addition, *Tang* indicates that the states do not result in any change in behavior of the system: “the current worker is still able to engage one or more of the communication mechanisms to interact with such worker” (col. 6, lines 54-59).

The examiner cites the same lines of *Tang* for claim 5. But, a listing of states which the *called* worker (the “second” person in the claims) can take describes nothing about selecting anything, let alone a rule, based on the identity of the *first* person.

Claim 6 recites “selecting the rule based on a current status of the second person.” The examiner suggests that *Tang* teaches this because “rules affect the status of the second person.”

On the contrary, *Tang* does not describe rules, it describes only status indicators. Moreover, even if rules did affect a person’s status in *Tang*, such a disclosure would not describe the additional limitations of claim 6. Rules that *affect* status are not the same as rules selected *based on* the status.

Claim 11 recites that, if the second person is unavailable, the first person is able to leave a message.

The examiner suggests that *Tang*’s description of status indicators discloses this additional limitation. It is unclear, however, what status indicators have to do with enabling the first user to leave a message if the second person is unavailable.

Claim 12 recites forwarding the call to a third person if the second person is unavailable and the third person is available.

In rejecting claim 12, the examiner relies again on *Tang*'s status indicators, which show the status of both a second and third person.

However, status indicators have noting to do with automatically *forwarding* a request to the third person when the second person is unavailable. On the contrary, in *Tang*, the first user would have to notice that the second person was busy. He would then make a conscious choice to call the third person rather than disturb the second person.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Enclosed is a Petition for Three Month Extension of Time and an Information Disclosure Statement. The fees in the amount of \$1020 and \$180 are being paid concurrently on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other required fees to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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Misha K. Hill
Reg. No. 59,737

PTO Customer No. 26161
Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (617) 542-8906